

### REMARKS

Claims 15-30 have been cancelled. Claims 1-14 have been amended to more clearly define Applicants' invention. In one instance (in claims 11-13), the amendments modify the claims to make them consistent with the elected claims 1-10. Support for the claim amendments is found in the specification.

In response to the Restriction Requirement issued September 19, 2002, Applicants elect, with traverse, Group I drawn to claims 1-10.

The Examiner requires restriction under 35 U.S.C. 121 to one of the following inventions:

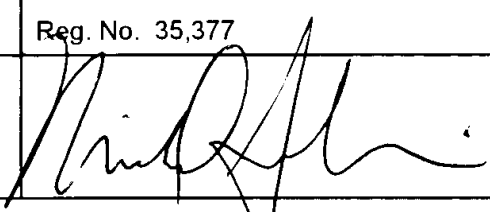
- I. Claims 1-10, drawn to an RNA molecule comprising an RNA targeting nucleoli and a TAR element, classified in class 536, subclass 24.1
- ii. Claims 11-14, drawn to a method of inhibiting HIV replication in an infected cell using an RNA molecule comprising an RNA targeting nucleoli and a TAR element, classified in class 514, subclass 44.
- iii. Claims 15-26, drawn to an RNA molecule comprising an RNA that targets nucleoli and a ribozyme, classified in class 536, subclass 24.5
- IV. Claims 27-30, drawn to a method of inhibiting HIV replication using an RNA molecule comprising an RNA that targets nucleoli and a ribozyme, classified in class 514, subclass 44.

The Examiner stated that the claims of Groups I and II above are not distinct because they are related as product and process of use. Specifically, the Examiner stated that "the method of inhibiting HIV replication of Group II can be practiced with a materially different product, for example, the method of inhibiting HIV replication of Group II can be practiced using a TAR element which does not include the nucleoli targeting portion of the molecule of Group I and, therefore, is structurally distinct by nucleotide sequence."

Applicants do not understand this basis for the Examiner's restriction, since the method claims 11-13 as filed were directed to using the TAR element alone, rather than using an RNA molecule that also includes a nucleoli targeting RNA, as the Examiner suggests.

Applicants have amended the method claims 11-13 to recite the use of the RNA molecule of claim 1. The examination of claims 11-14 thus includes the same subject matter as the examination of claims 1-10, which is an RNA molecule comprising i) an RNA or a portion of an

RNA which targets nucleoli in cells, and ii) an HIV TAR element. The examinations of Groups I and II thus directly overlap and will not cause the Examiner any undue burden searching both Groups in the same application. Accordingly, it is respectfully requested that the method claims 11-14 be included in this application for review.

<b>RESPECTFULLY SUBMITTED,</b>					
<i>Name and Reg. No.</i>	Michael Sullivan Reg. No. 35,377				
<i>Signature</i>				<i>Date</i>	October 21, 2002
<i>Address</i>	Rothwell, Figg, Ernst & Manbeck Suite 701-East, 555 13th Street, N.W.				
<i>City</i>	Washington	<i>State</i>	D.C.	<i>Zip Code</i>	20004
<i>Country</i>	U.S.A.	<i>Telephone</i>	202-783-6040	<i>Fax</i>	202-783-6031

**Attachments:** Marked-Up Version of Amended Claims

1954-330.rr

MARKED-UP VERSION OF AMENDED CLAIMS:

1. An RNA molecule comprising i) [a portion of] an RNA or a portion of an RNA which targets nucleoli in cells, and ii) an HIV TAR element.
2. The RNA molecule of claim 1, wherein said RNA is a snoRNA [which localizes in the nucleolus].
3. The RNA molecule of claim 2, wherein said snoRNA is a C/D box snoRNA.
4. The RNA molecule of claim 2, wherein said [portion of a] snoRNA comprises a C box and a D box.
5. The RNA molecule of claim 2, wherein said snoRNA is U16 snoRNA.
6. The RNA molecule of claim 5, wherein said HIV TAR element has replaced an apical loop of U16 snoRNA.
7. The RNA molecule of claim 1, wherein said HIV TAR element comprises SEQ ID NO: 12.
8. The expression cassette comprising the RNA molecule of claim 1.
9. The expression cassette of claim 8, further comprising an RNA [polIII] pol III promoter sequence.
10. A cell comprising the RNA molecule of claim 1.
11. A method for inhibiting HIV replication in a HIV infected cell, comprising introducing [a TAR element] the RNA molecule of claim 1 into said HIV infected cell.
12. The method of claim 11, wherein said TAR element localizes in the nucleolus of said HIV infected cell.
13. A method for claim 11, wherein said TAR element comprises SEQ ID NO: 12.
14. A method of treating a person infected with HIV, comprising administering the RNA molecule of claim 1 to said person.
15. Canceled
16. Canceled
17. Canceled
18. Canceled
19. Canceled
20. Canceled
21. Canceled

- 22. Canceled
- 23. Canceled
- 24. Canceled
- 25. Canceled
- 26. Canceled
- 27. Canceled
- 28. Canceled
- 29. Canceled
- 30. Canceled